



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,159	01/26/2004	Hideaki Shimizu	723-1464	6751
27562 7590 06/10/2008 NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER THOMASSON, MEAGAN J				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/763,159

**Applicant(s)**

SHIMIZU, HIDEAKI

**Examiner**

MEAGAN THOMASSON

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

The examiner acknowledges the amendments made to claims 1-3,7 and 9-14.

Claim 15 has been added; claims 1-15 are pending in this application.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1,2,4,5,7,11,12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakes et al. (US 2003/0181241 A1) in view of Suzuku et al. (US 5,356,156).**

Regarding claims 1,11,12 Oakes discloses a game apparatus, system and storage method used in association with a display, wherein a plurality of players participate and play a game on a display screen displayed on said display (Fig. 1), said game apparatus comprising one or more game program storage areas for storing a game program (Fig. 5), an operating member operated by the player (game controller **242**, ¶0028), number of players detection programmed logic circuitry for detecting the number of players who participate in the game, a screen partitioning programmed logic circuitry for partitioning a display area included in said display screen by the number of the participating players and forming a plurality of divided areas (as shown in Fig. 6; Fig. 7A step **752** wherein each remote unit, i.e. player controller, is assigned a window; ¶0052-0053), and game image generating programmed logic circuitry for generating game images in each of said divided areas allotted to each player based on said game program and an operation from said operating member (¶0063).

Specifically, Oakes discloses a gaming system wherein multiple players utilize remote controller units in order to play a game. Each remote control unit is assigned to a portion, i.e. window, of a common display screen wherein gaming data for a given player is displayed in said window and all of the windows are displayed simultaneously on the common display screen.

*Oakes does not specifically disclose evaluating value setting programmed logic circuitry for setting an evaluating value of each player based on how well each player is doing in the game relative to the other players and size changing programmed logic circuitry for changing a size of said divided areas allotted to each player based on said*

*evaluating value*. Instead, Oakes discloses that the display screen is divided equally among the players as described above. However, Oakes does specifically disclose that the size of the display windows may be adjusted (§ 0055-0057). In an analogous multi-player video game system, Suzuki discloses evaluating value setting programmed logic circuitry for setting an evaluating value of each player based on how well each player is doing in the game relative to the other players and changing a size of said divided area based on said evaluating value. That is, Suzuki evaluates a player to determine if the player is in an offensive, i.e. superior, situation or defensive, i.e. inferior, situation relative to the other player (col. 6, lines 45-56). If the evaluating value programmed logic circuitry determines that the player is in a superior situation, the display area displaying said superior situation player expands relative to the display area displaying the defensive player (Fig. 4 and 8). In this instance, the evaluated value is whether a player is in an offensive situation, and, if yes, enlarging the display area relative to the display area of the opponent player. As interpreted by the examiner, "how well each player is doing in the game relative to the other players" is a measure of relative advantage of a player over another. In Suzuki, a player in an offensive position has an advantage over a player in a defensive position in that it is attacking the defensive player. Because successful attack maneuvers create a scoring and life meter advantage for the offensive player, the offensive player may be said to be "doing better than" the attacked, or defensive, player.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Oakes and Suzuki as both teach analogous multi-

player video game inventions in the same field of endeavor (i.e. player entertainment). The inventions disclosed by Oakes and Suzuki are usable together, as the game of Suzuki may be implemented on the gaming system of Oakes without changing the respective function of either invention. That is, all of the claimed elements were known in the prior art and one could have combined the elements as claimed with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claim 2, Suzuki discloses said screen partitioning programmed logic circuitry equally divides an area of said display area by said number of the participating players, wherein said size changing programmed logic circuitry changes the area of said divided areas of each player (Fig. 3,4,6 and 8).

Regarding claims 4,5 and 8, Suzuki discloses said game image generating programmed logic circuitry generates a changed game image according to a size change of said divided areas by said size changing programmed logic circuitry (see Fig. 4 and 8, wherein the background images in the display area displaying the superior are adjusted to fill the expanded display area), thus changing a visual range.

Regarding claim 7, Oakes discloses the use of a video game machine connected to a common display and a plurality of hand-held game machines including a separate display connected to said video game machine (Fig. 1).

Regarding claim 15, in addition to claim 1 above, Suzuki discloses determining, as the game progresses, how each player is performing relative to the other players,

based on game factors other than the size of a player's partition. That is, Suzuki discloses determining how well a player is performing based on whether they are in an offensive or defensive position. A first player who is beating a second player in the game, i.e. a first player who is currently attacking a second player in the game, is allocated a larger display screen partition than the second player.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oakes et al. (US 2003/0181241 A1), Suzuki et al. (US 5,356,156) and further in view of Kaneko et al. (US 5,879,235).**

Regarding claim 3, Oakes/Suzuki disclose a multi-player video game apparatus and system comprising screen partitioning capabilities for partitioning a common display screen into multiple display areas, each area displaying a participating player, and adjusting said display areas for each player in accordance with an evaluated value as described above.

*Oakes/Suzuki does not specifically disclose the game apparatus further comprises a circular display area wherein said screen partitioning programmed logic circuitry equally divided said circular display area rendered by said number of the participating players in such a manner that each divided area is rendered by an angle that passes the center thereof, said size changing programmed logic circuitry changes a center angle of said divided areas of each player. Instead, both Oakes and Suzuki disclose rectangular-shaped display areas. However, Kaneko discloses an analogous*

multi-player gaming system having a circular-shaped common display area, as shown in Fig. 1, capable of being divided into portions (the abstract discloses the game apparatus is configured for playing roulette, wherein it is notoriously well known that a roulette wheel is divided into multiple portions). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the circular display area of Kaneko for the multi-player gaming apparatus of Oakes/Suzuki and doing so does not change the overall functionality of the game. That is, the shape of the player areas, whether rectangular or wedge-shaped, does not affect the outcome of re-sizing the display areas in accordance with an evaluated superiority or inferiority situation of a player. A larger rectangular-shaped area conveys the same indication of a player having a superior situation as a larger wedge-shaped area and thus it would have been obvious to use either area shape.

**Claims 6,9,10,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakes et al. (US 2003/0181241 A1), Suzuki et al. (US 5,356,156) and further in view of Sciammarella et al. (US 6,608,633 B1).**

Regarding claims 6,9,10,13 and 14, Oakes/Suzuki disclose a multi-player video game apparatus and system comprising screen partitioning capabilities for partitioning a common display screen into multiple display areas, each area displaying a participating player, and adjusting said display areas for each player in accordance with an evaluated value as described above.

*Oakes/Suzuki does not specifically disclose end determining programmed logic circuitry for determining whether or not there is a player who ends the game out of the participating players, wherein said size changing programmed logic circuitry re-divided said display area by the number of the remaining players when determined by said end determining programmed logic circuitry that there is the player who ends the game, and determines a size of re-divided areas in accordance with how the remaining players are performing in the game relative to one another.* However, Sciammarella discloses a method and structure for the display of multiple fields of information to a user. A single display is split into multiple display areas, each display area featuring a field of information. The size of each display area is based upon the relative importance of the field of information displayed therein, such that the more important fields occupy larger display areas relative to less important fields. The result is that a user may readily discern the relative importance of each information field based upon the size of the display area, wherein importance may be determined through the evaluation of a pre-selected factor including any of programming volume and /or frequency of use. For example, Fig. 8 displays multiple sports programming information fields in various display area sizes wherein the area sizes are determined by a selected measuring value such as length of program, frequency of use, volume of programming, etc. (col. 7, lines 6-22; col. 2, lines 27-47). This feature is analogous to display areas of differing sizes displaying game characters in accordance with some evaluated status of each character, as relative superiority or inferiority of a character's situation, i.e. how well a player is doing, may be equated with the relative "importance" of each character.

Further, Sciammarella discloses that the computer program operates to update the information displayed on the display screen in response to any changes detected in the selected measuring value (col. 3, lines 14-17). Thus, if the selected measured value is programming volume, i.e. how often a program is aired, then the most frequently shown programs would be displayed in the largest display areas of the screen. If a program is seldom or never aired, it would be removed from the display screen altogether and the remaining programs would fill the updated display.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Oakes/Suzuki with Sciammarella as all of the claimed components were known in the prior art and one skilled in the art could have combined the components with no change in their respective functions to produce a predictable result.

### ***Response to Arguments***

Applicant's arguments filed February 6, 2008 have been fully considered but they are not persuasive.

Specifically, applicant argues that "Suzuki never characterizes attacking as superior and defending as inferior" and further that "It is incorrect to characterize an attacking player as doing better in the game than a defending player, as players who are worse off are still capable of attacking" (Remarks, P. 16). As described above, the examiner interprets the limitation of "how well each player is doing in the game relative to the other players" to be a measure of relative advantage of a player over another. In

Suzuki, a player in an offensive position has an advantage over a player in a defensive position in that it is attacking the defensive player. Because successful attack maneuvers create a scoring and life meter advantage for the offensive player, at the time of the attack the offensive player may be said to be "doing better than" the attacked, or defensive, player.

Additionally, applicant argues that "one section of Sciammarella is not performing better or worse in a game than another section of Sciammarella", and further that "there is not teaching or motivation, absent Applicant's specification", to make the analogy of object importance being analogous to character superiority or inferiority (Remarks, P. 19). This is not found to be persuasive, as motivation for combining Suzuki and Sciammarella can be found in col. 8, line 62-col. 9, line 5 of Sciammarella, stating that "the present invention has application in any environment or application in which a visual factor can be a useful measure of important categorical information", which would include a video game application. Sciammarella discloses each section's "importance" may be determined by the frequency of use, i.e. how often it is watched, and therefore a section who is used more often may be said to be "doing better than" a section that is used less often.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3714

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEAGAN THOMASSON whose telephone number is (571)272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson  
June 9, 2008  
/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3714